

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

-----  
JOSE A. HERNANDEZ-TIRADO )

Plaintiff )

*pro-se* )

v. )

CRAIG LOWE, in his Official )

Capacity as Warden of PCCF; )

CHRISTENSEN badge # 8, in his )

Official Capacity as Correctional Officer )

BARRY badge # 66, in his Official )

Capacity as Correctional Officer )

Defendant's )  
-----

**PRISONER CIVIL  
RIGHTS COMPLAINT**

Civil Action No. 14-1897

**FILED  
SCRANTON**

SEP 30 2014

PER Amo

DEPUTY CLERK

**I. JURISDICTION & VENUE**

1. This is a civil action authorized by 42 U.S.C. Section 1983 to redress the deprivation, under color of state law, of rights secured by the Constitution of the United States. The court has jurisdiction under 28 U.S.C. Section 1331 and 1343 (a)(3). Plaintiff seeks declaratory relief pursuant to 28 U.S.C. Section 2201 and 2202. Plaintiff claim for injunctive relief are authorized by 28 U.S.C. Section 2283 & 2284 and Rule 65 of the Federal Rules of Civil Procedure.
2. The Middle District of Pennsylvania is an appropriate venue under 28 U.S.C. Section 1391 (b)(2) because it is where the events giving rise to this claim occurred.

## **II. PLAINTIFF**

3. Plaintiff Jose A. Hernandez-Tirado, (hereinafter Hernandez) is and was at all times mentioned herein a prisoner of the State of Pennsylvania in the custody of the Pennsylvania Department of Corrections. Hernandez is currently confined in Pike County Correctional Facility, located at 175 Pike County Boulevard, Lords Valley Pennsylvania.

## **III. DEFENDANTS**

4. Defendant, Craig Lowe is the warden of the Pike County Correctional Facility. He is legally responsible for the operation of Pike County Correctional Facility and for the welfare of all the inmates in that prison.
5. Defendant, Christensen badge # 8 (hereinafter Christensen) is a Correctional Officer of the Pennsylvania Department of Corrections who, at all times mentioned in this complaint, held the rank of a guard and was assigned to Pike County Correctional Facility.
6. Defendant, Barry badge # 66 (hereinafter Barry) is a Correctional Officer of the Pennsylvania Department of Corrections who, at all times mentioned in this complaint, held the rank of a guard and was assigned to Pike County Correctional Facility.

7. Each defendant is sued individually and in his official capacity. At all times mentioned in this complaint, each defendant acted under the color of state law.

#### **IV. CAUSE OF ACTION**

8. Hernandez alleges that the following of my constitutional rights, privileges, or immunities have been violated:
  - a-) Fourteenth Amendment: Equal Protection of Law against discrimination on the basis of race, gender etc.; Due Process in Disciplinary hearings.
  - b-) Eighth Amendment: Assault/Failure to protect, "The Right to be Free from Assault and Illegal Searches".

#### **V. STATEMENT OF CLAIM**

9. Hernandez realleges and incorporates by reference paragraphs one (1) thru eight (8) herein.
10. At all relevant times herein, defendants were "persons" for purposes of 42 U.S.C. Section 1983 and acted under Color of Law to deprive Hernandez of his Constitutional Rights, as set forth more fully bellow.

## VI. FACTS

### (Defendant Christensen)

#### A-) HARRASMENT

11. The first claim consists of various situations where Christensen is Harassing me and writing me up for violations that I allegedly commit of the rules and regulations of the jail. I am diligently exercising my Rights to be Free from Illegal Searches and my Rights at Disciplinary hearing base on;
12. It is not the first or second time the C/O is committing this actions against me. I have spoken with the supervisor of his shift (3<sup>rd</sup> shift)"Srgnt. Graham" about the situation. In the past Christensen was remove from the housing unit by order of the supervisor to avoid situations. I am afraid of this C/O being in close proximity to me because of his actions towards me. Srgnt. Graham and/or the Disciplinary Board due to the allegations made by Christensen, being false, dismissed the past violations that I allegedly committed and there were no findings of any violations committed by me.
13. On the 21<sup>st</sup>, day of August 2014, on or about 10:00 PM. it happens that Christensen called a rover (C/O) to escort me to the intake area for allegedly being in unauthorized area, disrespecting an officer and other violations of the rules and regulations of the Pike County Correctional Facility. Once escorted to the intake area, I spoke with the Supervisor

of the 3<sup>rd</sup> shift (Srgnt Graham), who watch the video and stated that there were no findings of any of the above mentioned violations and then after sent me back to the Unit-C in which I am housed by the jail and the report of misconduct wrote by Christensen was dismissed by Srgnt. Graham.

14. On the 27<sup>th</sup>, day of August 2014, on or about 5:30 PM. Christensen searched cell # 2 on C-Unit where I am housed, illegally and without my presence. Once again wrote a report of misconduct, this time with two (2) Class 1 Offenses # 29 "*possessing property belonging to another person or unauthorized county property*", and Class 1 # 44 (a) "*possession of contraband altered item(s)*", stating that "while he was conducting a cell search in which I was **not** present, he noticed a pen in my property which was chewed on near the tip and when he pulled the pen apart to be inspected for contraband it appears that the pen that he (allegedly) found in my property had red ink (write in red)." Afore said violation was referred to the Disciplinary Board. The hearing was conducted on the 3<sup>rd</sup>, day of September 2014, at the hearing, I stated what happened and upon my request of witnesses on my behalf, an investigation was made; **See exhibits**. The Disciplinary Board due to speaking to witnesses decided to give me the outcome of the hearing on the next day (September 4<sup>th</sup>, 2014), **See exhibits**. On the 4<sup>th</sup>, day of September I receive another notice of the D-Board resolution which stated that I will receive the outcome of the hearing on September 5<sup>th</sup>, 2014. **See exhibits**. On the 5<sup>th</sup>, day of September 2014, I received the final resolution of the hearing. The Disciplinary Board found me guilty of the charge Class 1 # 44(a) (Possession of Contraband: altered item)

resulting in 14 days RHU. *See exhibits.* The Disciplinary Board failed in conducting a proper investigation due to the fact that the hearing was held with no evidence and that Officer Willis which is one of my witnesses on this matter was telephoned on his day off for questioning about what happened, I indicate that the Disciplinary Board consists of three members; a-) Lt. Campos, b-) C.C. Wenzel, c-) Officer Vetrano. The afore mentioned members of the Disciplinary Board must be present at all times even at the interrogation of all of the witnesses. Upon information and Belief Officer Willis was telephoned on his day off by Lt. Campos who conducted the interrogation and no other of the Disciplinary Board was present at the time of the interrogation. I am claiming that the hearing was improperly held violating my Rights to Due Process in Disciplinary Hearing. I submitted an Appeal on this matter. *See exhibits*

15. These actions caused Emotional Distress due to Christensen acting in a way that is extreme or outrageous for the purpose of causing emotional distress knowing that I am going to feel very upset of his actions being unprofessional and acting in retaliation for what happened on dates before where he wrote reports of misconduct and there were no findings of the charges. Additionally I am actually suffering from severe and/or extreme emotional distress since these situations happened causing me loss of sleep and when I sleep, I am having nightmares with the officer showing up in my dreams harassing me and having the sense that I am hearing strange voices while I am asleep.

**B-) RACIAL DISCRIMINATION**

16. The second claim consists of Racial Discrimination committed by Christensen against Hispanic and African-American inmates and detainees. I am diligently exercising my Rights to be Free from Discrimination base on; *prison officers cannot treat you differently because of your race*. This claim is based on a discriminatory effect and intent of severe and unfairness, and how he treats Hispanic and African-American inmates and detainees differently than others (White race) inmates.
17. First and foremost the Fourteenth Amendment of the Constitution of U.S. guarantees to everyone "*equal protection of the law*". Equal Protection means that a prison officer cannot treat prisoners/inmates differently than it treats others without a reason. I indicate that Christensen behavior on this case is subject to be review under the law of "*strict scrutiny*" due to Hispanic and African-American inmates and detainees of this facility (jail) have been historically discriminated and cannot protect themselves trough the policy process (grievances procedure) of the facility (jail) due to afore mention process exercised by an inmate or detainee is subject to be known by guards working at the facility and act on retaliation against the person(s) who filed this grievances and have an effect on the record of behavior of the person(s) seeking for a good outcome on their case.
18. Furthermore, Christensen's behavior shows discrimination with discriminatory purpose and intent against Hispanic and African-

American inmates and detainees with giving different treatments to others (White race) inmates. However, discrimination is the only plausible reason for the treatment that others and I are experiencing. However, Racial Discrimination by prison authorities (officers) is unconstitutional under the Equal Protection Clause of the Fourteenth Amendment. *See exhibits*

C-) RETALIATION

19. The third claim consists on Retaliatory Conduct by Christensen against me. Christensen is acting in retaliation after he found about my conversation with his supervisor. This can range from annoying cell searches and including misconduct reports. A few days later, after Christensen knew about me speaking with his supervisor; Christensen verbally harassed me in retaliation of me filing of the grievance. Christensen told me that "I am the type of dude who likes to file grievances and that it didn't matter if I filed a [lawsuit] because I wasn't going to be getting any money and that nothing was going to be done". These acts represent the patterns of events demonstrating intentional retaliation against Hernandez by Christensen for speaking to Srgnt. Graham and filing grievances and a civil rights action.
20. On a separate and most recent case occurred that; On the 8<sup>th</sup> day of September of 2014, Officer Christensen is covering the guard position at the Housing Unit-D (RHU), I respectfully request to use the law library, on or about 4:20 PM. C/O's Putney and Christensen have access to my cell for get me shackled so they can escort me to the



computer room. At that point, C/o Christensen is placing shackles on my legs, which he tight to my ankles extremely hard causing pain and left injuries and marks of the shackles on my ankles. Then I asked him for please to loose them a little and he said, "Why it hurts?" in a funny manner and laughing about it. After he loose the shackles he grab my right arm and squeezed it in the way that I have to react and force a move, so I can released my arm from his grip. *See exhibits* I indicate that at the moment, I felt sever pain for the Cruel way that Christensen grab my arm and squeezed, I requested to be seeing by medical because of the pain that Christensen caused for use excessive force towards me. C/o Christensen, refuses to comply of my request to be seeing by medical leaving me suffering in pain and suggesting to file a medical request. *See exhibits*. I am very concerned that C/o Christensen is acting harmfully using unnecessary and excessive force violating the rights that protects me of receive corporal punishment by another person in violation to the Eight Amendment (Cruel and Unusual Punishment) of the United States Constitution.

**(Defendant Barry)**

**A-) RACIAL DISCRIMINATION**

21. The fourth claim consists of Racial Discrimination committed by Barry against Hispanic and African-American inmates and detainees. I am diligently exercising my Rights to be Free from Discrimination base on; *prison officers cannot treat you differently because of your race.*

This claim is based on a discriminatory effect and intent of severe and unfairness, and how he treats Hispanic and African-American inmates and detainees differently than others (White race) inmates.

22. On the 12<sup>th</sup>, day of August 2014, at approximately 1:00 PM, Barry made comments that could be subject to a race war against White, Blacks and Hispanics races. Stating that *“all this search is thanks to Santana and Polanco” “just blame it on the Hispanics people”*. Moreover, while searching Barry approaches to inmate Stearns and told him *“now you cannot be blowing kisses to your girl because Polanco is complaining about that; I let you do it and do not said nothing to you but if he (Polanco) does it, I give him a twenty four (24)”*. However, I indicate that Barry statements were unprofessional causing an altercation that results with an argument between inmates of different races (inmate Polanco “hispanic” and inmate Stearns “white”) where Polanco was pulled off the Housing Unit-C and in receive of misconduct. These actions creates an atmosphere of racial tension on the block (Unit-C) that have inmates getting involve in altercations (fights) inside of cells and living like enemies arguing for territories and corners on the Unit –C. However, Racial Discrimination by prison authorities (officers) is unconstitutional under the Equal Protection Clause of the Fourteenth Amendment.

## **VI. EXHAUSTION OF PRISON OR JAIL GRIEVANCE SYSTEM**

23. Hernandez realleges and incorporates by reference paragraphs one (1) thru twenty two (22) herein.
24. Hernandez used the prisoner grievance procedure available at Pike County Correctional Facility to try to solve the problem. In addition, Hernandez have giving notice of the above said matter to the Supervisor of turn Lt. Schwayer and Srgnt. Graham and filed a Complaint of Harassment to the State Police of Bloomingrove Pennsylvania as well as a Complaint for Racial Discrimination to the U.S. Department of Justice. *See exhibits.*
25. On Christensen's case, on the 6<sup>th</sup>, day of September 2014, Hernandez presented the facts relating to this complaint. On the 10<sup>th</sup>, day of September 2014, Hernandez was sent a response saying that the grievance had been denied. On the 13<sup>th</sup>, day of September 2014, Hernandez appeals the denial of the grievance. *See exhibits.*
26. On a separate occasion; on the 14<sup>th</sup>, day of September 2014, Hernandez presented the facts relating to this complaint. On the 22<sup>nd</sup>, day of September 2014, Hernandez was sent a response saying that the grievance had been denied. On the 23<sup>rd</sup>, day of September 2014, Hernandez appeals the denial of the grievance. *See exhibits.*

27. On Barry's case, on the 15<sup>th</sup>, day of August 2014, Hernandez presented the facts relating to this complaint. On the 25, day of August 2014, Hernandez was sent a response saying that the grievance had been denied. On the 26, day of August 2014, Hernandez appeals the denial of the grievance. On the 28, day of August 2014, Hernandez was sent a response saying that the appeal of his grievance had been denied. On the 1<sup>st</sup>, day of September 2014, Hernandez appeals the denial of the level II grievance. On the 8, day of September 2014, Hernandez was sent a response of the level II appeal, which said that had been denied. *See exhibits.*

### **VIII. LEGAL CLAIM**

28. Hernandez realleges and incorporates by reference paragraphs one (1) thru twenty seventh (27) herein.
29. The unsafe conditions, discrimination on the basis of race, gender etc.; improper conduction of a disciplinary hearing, harassment and retaliate behavior violated Hernandez rights and constituted the Right to be Free from Assault and Illegal Searches a Cruel and Unusual Punishment as well as a Due Process violation under the Eight and Fourteenth Amendment to the United States Constitution.
30. Hernandez has no plain, adequate or complete remedy at law to redress the wrongs described herein. Hernandez has been and will continue to be irreparably injured by the conduct/behavior of the defendants unless this court grants the declaratory and injunctive relief that Hernandez seeks.

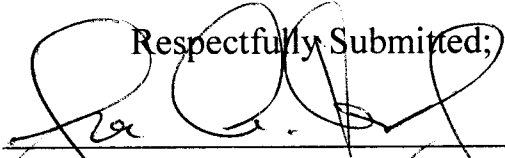
## **IX. PRAYER FOR RELIEF**

**Wherefore**, Hernandez respectfully prays that this court enter judgment-granting Hernandez:

31. Hernandez realleges and incorporates by reference paragraphs one (1) thru thirty (30) herein.
32. A declaration that the acts and omissions described herein violated Hernandez rights under the Constitution and laws of the United States.
33. A preliminary and permanent injunction-ordering defendants:
  - a-) Correctional Officer Christensen "badge # 8" to stop Harassing me, acting in retaliation, attempting or provoking me to get into a physical fight with him as well as be a racist person.
  - b-) Correctional Officer Barry "badge # 66" to stop making comments that creates arguments and altercations between inmates as well as being a racist person;
  - c-) To be reprimanded and suspended of their jobs.
34. Compensation for damages in the amount of \$500,000.00 thousand dollars against each defendant, jointly and severally.

35. Punitive damages in the amount of \$500,000.00 thousand dollars against each defendant.
36. A Restriction Order that prohibits at all times, defendants to be on proximities of Hernandez.
37. A jury trial on all issues triable by jury.
38. Hernandez costs in this suit.
39. Any additional relief this court deems just, proper and equitable.

Dated this 25<sup>th</sup>, day of September of 2014.

Respectfully Submitted;  
  
\_\_\_\_\_  
José A. Hernández-Tirado, *pro se*  
Plaintiff

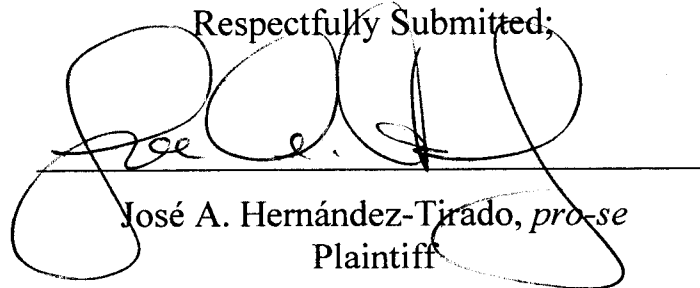
VERIFICATION

I have read the foregoing complaint and hereby verify that the matters alleged therein are true, except as to matters alleged on information and belief, and, as to those, I believe them to be true. I certify under penalty of perjury that the foregoing is true and correct.

Executed at Pike County Correctional Facility, Pennsylvania.

Dated this 25<sup>th</sup>, day of September of 2014.

Respectfully Submitted;

A handwritten signature in black ink, appearing to read "Jose A. Hernandez-Tirado", is written over a horizontal line. The signature is stylized with large loops and a long horizontal stroke at the end.

---

José A. Hernández-Tirado, *pro-se*  
Plaintiff

**CERTIFICATE OF SERVICE**

I, Jose A. Hernandez-Tirado certify that on this 25<sup>th</sup>, day of September 2014, I caused to serve a true copy of the herewith attached, "Prisoner Civil Rights Complaint" authorized by 42 U.S.C. Section 1983, "Application of Counsel" a "Motion and Application for In Forma Pauperis Status" and the "Summons" to the person(s) below listed, by the depositing the same in the U.S. Postal Service outgoing mail Box located at Pike County Correctional Facility at 175 Pike County Boulevard at Lord's Valley PA 18428.

Clerk of Courts  
United States District Court  
Middle District of Pennsylvania  
235 North Washington Avenue  
P.O. Box 1148  
Scranton PA, 18501

Dated this 25<sup>th</sup>, day of September of 2014.

Respectfully Submitted;



\_\_\_\_\_  
José A. Hernández-Tirado, *pro-se*  
Plaintiff



# EXHIBITS

**Table of Contents.**

Petitioner also brings to this Court's attention that he has entered letters of Complaints of Harassment, Racial Discrimination and Excessive Use of Force as well as completed the Grievance procedure at the jail (PCCF), and submits as exhibits copies of the following:

**Exhibit A**

1. Request for Certified Mail- Dated August 27, 2014  
Milford Police Department
2. Complaint of Harassment- Dated August 27, 2014  
Milford Police Department
3. Request for postages of mail and Answer- Dated Sept. 4, 2014  
in regards of Bloomingrove State Police
4. Complaint of Harassment- Dated September 4<sup>th</sup>, and 7<sup>th</sup>, 2014  
Bloomingrove State Police Barracks
5. Notice of Complaint- Dated August 28, 2014  
Christopher J. Kane U.S. Marshals Service
6. Complaint of Racial Discrimination- Dated August 22, 2014  
U.S. Department of Justice
7. Letter of Complaint of Corporal Punishment etc.- Dated Sept. 8<sup>th</sup>,  
2014- in regards of Christensen

**Exhibit B**

8. Request for Witnesses- Dated Sept. 2<sup>nd</sup>, 2014  
in regards of D-Board
9. Disciplinary Hearing Outcome Continuance- Dated Sept. 3<sup>rd</sup>,  
and 4<sup>th</sup>, 2014
10. D-Board Resolution- Dated September 5<sup>th</sup>, 2014  
In regards misconduct 8/27/14
11. Disciplinary Hearing Appeal Form and Answer- Dated Sept. 5<sup>th</sup>  
and 10<sup>th</sup>, 2014- in regards misconduct 8/27/14

**Exhibit C**

12. Medical Request and Answer- Dated Sept. 8<sup>th</sup> and 9<sup>th</sup>, 2014 related to injuries happened on 9/8/14
13. Request for speak with Shift Commander and his Answer Dated Sept. 3<sup>rd</sup>, 2014
14. Request for Complaint of Harassment against Christensen and Answer- Dated Sept. 3, 2014

**Exhibit D**

15. Request for Grievance and Answer- Dated Sept. 4, 2014 in regards of Christensen
16. Informal Grievance Resolution Form- Dated Sept. 5<sup>th</sup>, 2014 Issued by Srgnt. Frawley in regards of Christensen
17. Inmate Grievance Form and Answer- Dated Sept. 6<sup>th</sup>, and 10 2014 in regards of Christensen
18. Appeal of Grievance Form Level II and Answer- Dated Sept. 13, 2014 in regards of Christensen
19. Informal Grievance Resolution Form- Dated Sept. 16, 2014 Issued by Lt. Schwayer in regards of Christensen
20. Inmate Grievance Form and Answer- Dated Sept. 14, and 22 2014 in regards of Christensen
21. Appeal of Grievance Form Level II- Dated Sept. 23, 2014 in regards of Christensen
22. Informal Grievance Resolution Form- Dated August 14, 2014 Issued by Srgnt. De Marco in regards of Barry
23. Inmate Grievance Form and Answer- Dated Aug. 15 and 25 2014 in regards of Barry
24. Appeal of Grievance Form Level II and III and Answers- Dated II Aug. 26 and 28 Sept. 2014- III Sept. 1, and 8, 2014 in regards of Barry

# EXHIBIT

## A

**PIKE COUNTY CORRECTIONAL FACILITY**  
**INMATE REQUEST FORM**

NAME: HERNANDEZ TIRADO JOSE A.  
LAST FIRST M.I.

DATE: 8/27/14 BLOCK: C CELL: 2 C

REQUEST: I need to mail this envelope  
as a certified mail to the  
Milford Police Department  
111 W. Catherine St. Milford PA, 18337  
PLEASE And Thank you!!!

RECEIVED BY: Wilkowski BADGE#: 91 DATE: 8/27/14

ROUTED TO: PROGRAMS SECURITY OTHER: Admin

ANSWER: APPROVED DENIED (STATE REASON)

Postage deducted \$6.48 plus  
\$2.00 S/C

BY: [Signature] DATE: 8/28/14  
TITLE - EMPLOYEE NAME

PINK-kept by inmate, YELLOW-returned to inmate, WHITE-file copy

U.S. Postal Service<sup>TM</sup>  
**CERTIFIED MAIL<sup>TM</sup> RECEIPT**  
 (Domestic Mail Only; No Insurance Coverage Provided)

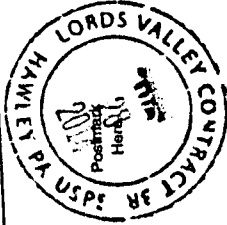
For delivery information visit our website at [www.usps.com](http://www.usps.com)

**OFFICIAL USE**

Postage	\$ 48
Certified Fee	3.30
Return Receipt Fee (Endorsement Required)	2.70
Restricted Delivery Fee (Endorsement Required)	
<b>Total Postage &amp; Fees</b>	<b>\$ 6.48</b>

Sent to  
 Milford Police Dept  
 Street, Apt. No.  
 or PO Box No.  
 City, State, ZIP+4  
 Milford Pa 18837

PS Form 3800, August 2006 See Reverse for Instructions



7012 0470 0000 1428 3948

**José A. Hernández-Tirado**  
**Pike County Correctional Facility**  
**175 Pike County Boulevard**  
**Lords Valley, PA 18428**

August 27, 2014.

Milford Police Department  
111 W. Cathering St.  
Milford PA, 18337

**RE: COMPLAINT OF HARASSMENT.**

To Whom It May Concern:

My name is Jose A. Hernandez-Tirado. I am currently located at Pike County Correctional Facility since July 5<sup>th</sup>, 2013. I am writing and formally complaining of a harassment committed by the C/O Christensen badge # 8 (hereinafter C/O) against me.

This complaint consists of various situations where the C/O is harassing me and writing me up for violations of the rules and regulations of the jail. It is not the first or second time the C/O is committing this actions against me. I have spoken with the supervisor of his shift (3<sup>rd</sup> shift) "Sergeant Graham" about the situation. In the past the C/O was remove from the unit by order of the supervisor to avoid situations. I am afraid of the C/O being in close proximity to me because of his actions towards me. The pasts violations that I allegedly commit were dismiss by Sergeant Graham due to the allegations made by the C/O being false and there were no findings of any violations committed by me.

On a different situation I have wrote to the Assistant Inspector General on a COMPLAINT OF RACIAL DISCRIMINATION to the address below:

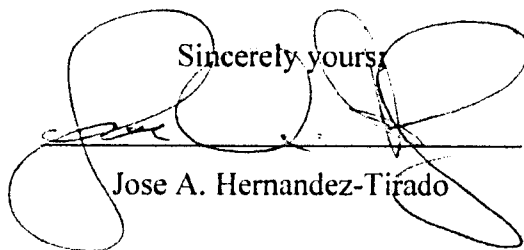
U.S. Department of Justice  
950 Pennsylvania Ave. NW Room 4706  
Washington DC, 20530

Due to the C/O racial discrimination against Hispanic and African-American inmates and detainees.

I am respectfully requesting for the Milford Police Department to conduct a proper investigation and produce an order of Protection against C/O Christensen until the investigation is completed. I feel constantly harassed by the C/O and this actions is intervening with my adjustment and I am afraid of having a record of conduct violations that I never committed.

In closing, I thank you for your attention and deliberation to this essential matter as I anxiously await for your response.

Sincerely yours,

A handwritten signature in black ink, consisting of a series of loops and a horizontal line, positioned above the printed name.

Jose A. Hernandez-Tirado

*Cc. files*



PIKE COUNTY CORRECTIONAL FACILITY  
INMATE REQUEST FORM

NAME: HERNANDEZ TRACIO JOSE A  
LAST FIRST M.I.

DATE: 9/4/14 BLOCK: C CELL: 2C

REQUEST: I give permission to take money  
off of my account to mail this package to the  
address below:

Bloomington State Police Barracks  
134 Route 402  
Hawley PA, 18428

RECEIVED BY: McNeill BADGE#: 37 DATE: 9-4-14

ROUTED TO: PROGRAMS SECURITY (OTHER: ADMIN)

ANSWER: APPROVED DENIED (STATE REASON)

#1416 approved & deducted  
from your a/c.

BY: MC DATE: 9/5/14  
TITLE - EMPLOYEE NAME

PINK-kept by inmate, YELLOW-returned to inmate, WHITE-file copy

José A. Hernández-Tirado  
Pike County Correctional Facility  
175 Pike County Boulevard  
Lords Valley, PA 18428

September 4, 2014.

Bloomington State Police Barracks  
434 Route 402  
Hawley PA, 18428

**RE: COMPLAINT OF HARASSMENT.**

To Whom It May Concern:

My name is Jose A. Hernandez-Tirado. I am currently located at Pike County Correctional Facility since July 5<sup>th</sup>, 2013. I am writing and formally complaining of a harassment committed by the C/O Christensen badge # 8 (hereinafter C/O) against me.

On the 4<sup>th</sup> day of September, 2014, I have spoken to Lt. Schwyer (hereinafter Lt.) about my interest in filing a complaint of harassment against the C/O and request for him to call the police station and give notice of said. I explain the Lt. about the C/O behavior and the Lt. notify me that he will speak to the C/O. The Lt. also advised me of the procedure I have to follow to file the complaint and that if I decide to proceed I must file the complaint myself.

This complaint consists of various situations where the C/O is harassing me and writing me up for violations of the rules and regulations of the jail. It is not the first or second time the C/O is committing this actions against me. I have spoken with the supervisor of his shift (3<sup>rd</sup> shift) "Sergeant Graham" about the situation. In the past the C/O was remove from the unit by order of the supervisor to avoid situations. I am afraid of the C/O being in close proximity to me because of his actions towards me. The pasts violations that I allegedly commit were dismiss by Sergeant Graham due to the allegations made by the C/O being false and there were no findings of any violations committed by me.

On a different situation I have wrote to the Assistant Inspector General on a **COMPLAINT OF RACIAL DISCRIMINATION** to the address below. Due to the C/O racial discrimination against Hispanic and African-American inmates and detainees.

U.S. Department of Justice  
950 Pennsylvania Ave. NW Room 4706  
Washington DC, 20530

In last but not least, I am respectfully requesting for the Bloomingrove State Police to assign an Officer to assist on the above mention matter and to conduct a proper investigation and produce an Order of Protection against C/O Christensen until finished with the investigation. I feel constantly harassed by the C/O and this actions is causing me Emotional Distress and is intervening with my adjustment and I am afraid of having a record of behavior with violations that I never committed.

In closing, I'd thank you for your time, attention and deliberation to this essential matter as I anxiously await for your response.

Sincerely yours;



Jose A. Hernandez-Tirado

*Cc. files*

José A. Hernández-Tirado  
Pike County Correctional Facility  
175 Pike County Boulevard  
Lords Valley, PA 18428

September 7<sup>th</sup>, 2014.

Bloomingrove State Police Barracks  
434 Route 402  
Hawley PA, 18428

**RE: NOTICE OF CONTINUOUSLY OF HARASSMENTS  
AND RETALIATION ACTS.**

To Whom It May Concern:

My name is Jose A. Hernandez-Tirado. I am currently located at Pike County Correctional Facility since July 5<sup>th</sup>, 2013. I am writing and formally complaining and giving notice of a continuously harassments and retaliation acts committed by the C/O Christensen badge # 8 (hereinafter C/O) against myself. I'd like to inform that In the past I have complaint of this matter and at this point I have not get response.

I have exhausted all my prison remedies as Requests Forms, Inmate Grievances Forms as well as speak with Lt. Schwyer and give notice of what is happening and also request for Lt. Schwyer to call the police and press charges against Christensen for Harassment. Lt. Schwyer inform me that he cannot call the State Police for Complaint of what is going on that I have to write a formal letter to the State Police stating the reasons of my Complaint. In addition, in the past I have requested from Lt. Schwyer to please keep Christensen away from my person due to my fear of Christensen frequently Harassing myself and afraid for him to act in retaliation against me because Christensen knows about my claims against him.

On the 7<sup>th</sup>, day of September of 2014, I am housed in D-unit as a (RHU) status and Christensen is the guard of the unit who I request for use the law library. On or about

6: 45 PM, Officer Christensen and Srgnt. Frawley are giving me escort to access the law library, at this point I inform Srgnt. Frawley that I am afraid of being in proximities of Officer Christensen due to Christensen's incessantly harassing and acting in retaliation against myself it incorporate a sense of doubt on myself towards Christensen.

Srgnt. Frawley then threatens me to move me to intake area and hold me in four (4) cell and signed me PC. (Protective Custody) intentionally and with the purpose of intimidate myself of not be in intake area due to his order.

I claim that Officer Christensen and Srgnt. Frawley act in accordance and in retaliation having me at the computer room with shackles on and telling me that *"it is what it is"* then left laughing for what they did and saying that *"if you don't like it ask for a request and file a grievance"*.

I, indicate that these actions are following to the grievances and civil action suit that I am filing for Violation of my Rights and it is not correct for my self to be suffering or be a victim of the actions committing by Officer Christensen and Srgnt. Frawley.

In last but not least, I respectfully request for the Bloomingrove State Police to take immediate attention to this matter and issue a restriction order against Officer Christensen and Srgnt. Frawley at your earliest, hopefully with this order issued we can find a solution to this matter.

In closing, I'd like to thank you for your time and attention to this essential matter as I anxiously await for your response.

Truly yours;

---

José A. Hernández-Tirado

PC. Files

Craig Lowe, Warden of P.C.C.F.

August 28, 2014.

Jose A. Hernandez-Tirado  
Pike County Correctional Facility  
175 Pike County Boulevard  
Lords Valley, Pennsylvania 18428

Christopher J. Kane  
Supervisory Deputy United States Marshal (SDUSM)  
United States Marshals Service  
Middle District of Pennsylvania Scranton-Division

RE: NOTICE OF COMPLAINT.

Dear Mr. Christopher;

My name is Jose A. Hernandez-Tirado; I am currently located at Pike County Correctional Facility. I am writing you in regards of a complaint of harassment and retaliation where the C/O "Christensen badge # 8" is committing against me. Please be advised that above mention complaint is being filed by me to the Milford Police Department. *See exhibit # 1.*

In addition I have filed another complaint against the same officer due to Racial Discrimination. *See exhibit # 2.* Afore mention complaint was sent to Mr. Georg L. Dorsett;

Assistant Inspector General  
Investigation Division  
Office of the Inspector General  
U.S. Department of Justice  
950 Pennsylvania Ave. NW Room 4706  
Washington DC, 20530

At last but not least the Supervisor was advised of said occurred situation that took place at abovementioned address, on the Facility Housing Area Unit-C.

In closing, I'd thank you in advance for your time and attention to this essential matter as I anxiously await for your response.

Respectfully yours;

Jose A. Hernandez-Tirado

*Cc. files*

José A. Hernández-Tirado  
Pike County Correctional Facility  
175 Pike County Boulevard  
Lords Valley, PA 18428

August 22, 2014.

CC: Georg L. Dorsett  
Assistant Inspector General  
Investigation Division  
Office of the Inspector General  
U.S. Department of Justice  
950 Pennsylvania Ave. NW Room 4706  
Washington DC, 20530

RE: COMPLAINT OF RACIAL DISCRIMINATION.

Dear Mr. Georg L. Dorsett:

My name is Jose A. Hernandez-Tirado. I am currently located at Pike County Correctional Facility since July 2<sup>nd</sup>, 2013. I am incarcerated on Federal Drug Charges, specifically, for- "Conspiracy" {846} and "Use Communication of a Facility" {843}.

I am writing and formally complaining of racial discrimination committed by the C/O Christensen badge # 8 (hereinafter C/O) against Hispanic and African-American inmates and detainees. I am diligently exercising my Rights to be Free from Discrimination base on; *prison officers cannot treat you differently because of your race*. This claim is based on a discriminatory effect and intent of severe and unfairness, and how he treats Hispanic and African-American inmates and detainees differently than Whites (American) inmates.

Racial Discrimination by prison authorities (officers) is unconstitutional under the Equal Protection Clause of the Fourteenth Amendment.

First and foremost the Fourteenth Amendment of the Constitution of U.S. guarantees to everyone "*equal protection of the law*". Equal Protection means that a prison officer cannot treat prisoners/inmates differently than it treats others without a reason. I believe that the behavior of the C/O on this case is subject to be review under the law of "*strict scrutiny*" due to Hispanic and African-American inmates and detainees of this facility (jail) have been historically discriminated and cannot protect themselves trough the policy process (grievances procedure) of the facility (jail) due to afore mention process exercised by an inmate or detainee could be found by the C/O and act on retaliation against the person(s) who filed this grievances and have an effect on the record of behavior of the person(s) seeking for a good outcome on their case.

A good example on this case is Sandin v. Conner, 515 U.S. 472 (1995). *Sandin* involved prisoners claims to procedural due process protection before placement in segregated for 30 days, which was imposed as discipline for *disruptive behavior*. *Sandin* observed that earlier Supreme Court cases had employed a methodology for identifying state-created liberty interests that emphasized the language of a particular prison regulation instead of the nature of the deprivation. *Sandin* criticized this methodology as creating a disincentive for States to promulgate procedures for prison management, and involved the federal courts in the day-to-day management of prisons.

Furthermore, the C/O behavior shows discrimination against me and others or discriminatory purpose and intent against Hispanic and African-American inmates and detainees with giving different treatments to the White race inmates. However, discrimination is the only plausible reason for the treatment by the C/O that me and others experiencing.

In the past the C/O was involved in various incidents; one of the incidents occurred on C-Unit, when inmates were in a lockdown requesting to speak with a supervisor of turn, the C/O states "I'm not calling the Shift Commander (supervisor) for any of you" referring to inmate Jose Rodriguez who is Spanish. The afore mention comments by the C/O creates disturbance and aggravation which causes inmates to act in



a bad behavior against the C/O throwing soap, wet papers and other stuff out of their cells to the officer. There is others cases that inmates were being victims of discrimination when C/O gives to Hispanic and African-American inmates and detainees twenty-four (24) hour lockdown punishments for be in an unauthorized area (upper tier, different cell) or wave to female inmates, this same actions are being made by White race inmates in view of the C/O but they do not receive any punishment by this officer. "Aforesaid actions are classified as Class III offenses of the rules and regulations of the Pike County Correctional Facility".

The most recent case when an inmate was victim of discrimination by the C/O happened on August 21<sup>st</sup>, 2014 on or about 9:40 pm. When C/O ordered me to go to my cell and that I have a twenty-four (24) hour lockdown for being in an unauthorized area. My suggestion is; check on the video, it would be seen that White race inmates housed in a lower tier were on the upper tier and the C/O only addressed me.

On an example of retaliation the officer write a misconduct to an inmate "Troy Conklin" (hereinafter Conklin) and then after that, he told Conklin "now we even for what happened a couple weeks ago". Inmate Conklin filed a grievance to inform of the behavior of the C/O which grievance was denied by the warden and I believe that no investigation was made for this matter. *See exhibit # 1.*

However discriminatory intent is a possible explanation for what was going with the actions made by the C/O.

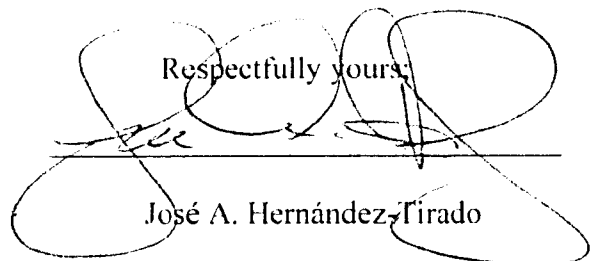
Discretionary authority of Attorney General; preconditions. Whenever the Attorney General has reasonable cause to believe that any State or political subdivision of a State, of employee, or agent thereof, or other person acting on behalf of a State or political subdivision of a State is subjecting persons residing in an institution, as in section 2 [42 USCS 1997], to egregious or grant conditions which deprive such persons of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States causing such persons to suffer grievous harm, and that such

deprivation is pursuant to a pattern or practice of resistance to the full enjoyment of such rights, privileges, or immunities, the Attorney General, for or in the name of the United States, may institute a civil action in any appropriate United States district court against such party for such equitable relief as may be appropriate to insure the minimum corrective measures necessary to insure the full enjoyment of such rights, privileges, or immunities. To the extent otherwise authorized by law, I respectfully request for you Mr. Dorsett to enter a temporary restraining order or an order for preliminary injunctive relief, extend no further than necessary and be the least intrusive means necessary to correct the harm caused by the C/O.

There are other inmates experiencing the behavior of the C/O and are afraid to be victims of discrimination as well.

Therefore, I am respectfully requesting that you do the necessary investigations on this matter. In closing, I thank you in advance for your time, attention and deliberation to this essential matter, as I anxiously await for your response.

GOD BLESS and THANK YOU

Respectfully yours,  
  
José A. Hernández-Tirado

*Cc. files*

September 8, 2014.

José A. Hernández-Tirado  
OCA # 13-07006

To whom it may concern;

On the 8<sup>th</sup> day of September of 2014, Officer Christensen is covering the guard position at the Housing Unit-D (RHU), I respectfully request to use the law library, on or about 4:20 PM. C/O's Putney and Christensen have access to my cell for get me shackled so they can escort me to the computer room. At that point C/o Christensen is shackling me and he tight the shackles extremely hard causing pain in my right ankle and leaving marks of the shackles. Then I asked him for please to loose them a little and he said, "Why it hurts?" in a funny manner and laughing about it. After he loose the shackles he (Christensen) grab my right arm and squeezed it in the way that I have to react and force a move, so I can released my arm from his hand. I am very concerned that C/o Christensen is acting in a way that violates the rights that protects me of have a Cruel and Unusual Punishment by another person in violation to the Eight Amendment of the United States Constitution.

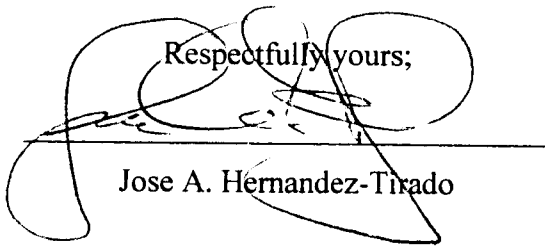
I indicate that at the moment I felt sever pain for the Cruel way Christensen grab my arm and squeezed, I requested to be seeing by medical because of the pain that Christensen caused for use excessive force towards my person was painful. C/o Christensen, refuses to comply of my request to be seeing by medical leaving me suffering in pain and suggested me to file a medical grievance.

I am also fearful of further encroachment by Christensen. I have being constantly harassed by this officer and now he is acting in retaliation for the grievances and civil rights action I am filing. I inform that in the past I give notice of this matter to other Supervisors as Srgnt. Graham, Srgnt. Frawley and Lt. Schwayer as well as I have formally wrote a Complaint of Harassment to the Bloomingrove Police Station and others entities as well.

In last but not least, once again I respectfully request for a Supervisor of P.C.C.F. to issued an order of separation between C/o Christensen and me so that Christensen could not be in my proximities due to my fears of the harmful way that he treats me, the continuous harassments and the retaliation mode that he exhibits towards me.

In closing, I thank you in advance for your attention to this essential matter.

Respectfully yours;



---

Jose A. Hernandez-Tirado

# EXHIBIT B

**PIKE COUNTY CORRECTIONAL FACILITY**  
**INMATE REQUEST FORM**

NAME: HERNANDEZ TIRADO José A.  
LAST FIRST M.I.

DATE: 9/2/14 BLOCK: C CELL: 2-C

REQUEST: I respectfully requests for my pending  
D-Boards the following witnesses: C/O Willis,  
inmate Santiago 16-A, Blondell B-C, Fanks 2-1  
and Apostini 2-b, in order to complete a proper  
investigation upon to this matter. Thank you!!!

RECEIVED BY: Riener BADGE#: 201 DATE: 9/2/14

ROUTED TO: PROGRAMS SECURITY OTHER: \_\_\_\_\_

ANSWER: APPROVED DENIED (STATE REASON)

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
TITLE - EMPLOYEE NAME

PINK-kept by inmate, YELLOW-returned to inmate, WHITE-file copy

**PIKE COUNTY CORRECTIONAL FACILITY**

**MEMORANDUM  
REGARDING  
DISCIPLINARY HEARING**

**TO:** Hernandez-Tirado; OCA#13-07006  
**FROM:** A.W. McLaughlin  
**DATE:** September 3, 2014  
**SUBJECT:** Disciplinary Hearing Outcome

---

Due to speaking to witnesses, you will receive the outcome, from your Disciplinary Hearing that was held today, on September 4, 2014.

Cc: Hearing Clerk

**PIKE COUNTY CORRECTIONAL FACILITY**

**MEMORANDUM  
REGARDING  
DISCIPLINARY HEARING**

**TO:** Hernandez-Tirado; OCA # 13-07006  
**FROM:** A.W. McLaughlin  
**DATE:** September 4, 2014  
**SUBJECT:** Disciplinary Hearing Continuance

---

Due to speaking to witness, you will receive the outcome, from your Disciplinary Hearing that was held on September 3, 2014 on September 5, 2014.

Cc: Hearing Clerk



**PIKE COUNTY CORRECTIONAL FACILITY  
DISCIPLINARY BOARD ACTION**

OCA # 13-07006

Date 09/05/2014

INMATE'S NAME: Hernandez-Tirado, Jose UNIT/CELL C/2/C

MISCONDUCT CHARGES: Class I # 29, 44a

**COPY**

DATE OF INCIDENT: 08/27/2014

DATE OF INCIDENT REPORT: 08/27/2014

INMATE'S PLEA: GUILTY \_\_\_\_\_ NOT GUILTY X NO PLEA \_\_\_\_\_

SUMMARY OF INMATE'S VERSION: I was playing monopoly and the Officer Christianson said he found a red pen in a blue pen on top of my desk. He first asked Agostini, my celly and he said its not mine. Where did you find it and he said in the desk. Then he asked Banks, my other celly and he said I don't know what you're talking about. Then he asked me. This was about dinner time so officer Willis was at station. I said I don't know this is my pen here so he said oh well explain it at the d board. He said he found it at my desk and then wrote it. I asked CO Willis where does it say he found the pen and Willis said in your pen. Then I called Santiago and said listen to this. Santiago said he found it on my desk but when I read the report it says he found it in my property. He told me he found it on my desk. He wrote in the report in my property. It wasn't my pen I don't need a red pen. I have red markers. If I need a black pen then I did a cleaning detail. I know I don't have a red pen. I don't know whose pen it is. I don't know where he got it from. I know it wasn't from my cell. I know for sure it isn't mine. Banks and Agostini said it wasn't their pen. It's not right for me to pay for something I didn't do.

The board notes that Officer Christensen and Officer Willis were spoken to. Officer Christensen stated that he found the pen in inmate Hernandez-Tirado's property. Officer Willis states that Officer Christensen informed him that the pen had been found in inmate Hernandez-Tirado's tote.

WITNESS: Testimony Santiago, Antonio # 10-08011: I was standing by the staff podium when Willis stated that Christianson told him he found it on Flacco's desk. Flacco said did you hear that and I said yes. I stood right in front of Willis. I didn't see where the pen was found. I am just going on what Officer Willis said.

WITNESS: Testimony Blondell, Michael # 13-03079: He said that Christianson questioned Banks in front of me and banks was like right pen and he was like the pen I just found on the desk and banks was like it's not my pen. Christianson said he found the pen on the desk not in nobodys bag. He came out arguing with Hernandez.

WITNESS: Testimony Agostini, Mario # 13-10069: I'm Hernandez's cell mate and I was asked first. I was told it was found on my desk. I said it wasn't on my desk because I was just there. He then said are you sure, I said it definitely wasn't in my cell on my desk. He said just tell me who's it is and I said I don't know who's it. His statement says I told him it was Hernandez. After a few days he came back and told him I said I told him it was his pen. We both went up Christianson and he said the same thing and I cursed him out and I got a 24. I have a grievance in on that. I know I can't grieve cursing him out but he put in a false statement. It was Christianson's dinner time and Willis came on the unit. That's when he asked me all these questions and he went right to my desk. How can you enter a cell in less than a minute and find a red pen and say it was on a desk and then in someone's property. He asked me and Banks why it was on the desk but then he puts on the misconduct that it was in his property and said I told him when I said nothing like that.

Hernandez-Tirado, Jose

Page 2

09/05/2014

**COPY**

DOCUMENTARY EVIDENCE CALLED: N/A

BOARD VERDICT: GUILTY X NOT GUILTY \_\_\_\_\_ DISMISSED \_\_\_\_\_

**BOARD ACTION:** Based on the fact that a blue pen with a red ink cartridge was found in your property the board finds you guilty of the charge class I # 44 A (Possession of contraband: altered items).

Based on the fact that the charge class I # 29 is redundant to the charge class I # 44 A the board dismisses this charge.

**SANCTION:** The Board sanctions you to 14 days RHU. The board also imposes 14 days RHU from a previously suspended sanction for a total of 28 days RHU. Your scheduled release date is October 1, 2014.

BOARD CHAIRMAN'S SIGNATURE & TITLE: \_\_\_\_\_  
Lieutenant Campos

OTHER BOARD MEMBERS: 1) C.C. Wenzel 2) Officer Vetrano

\*\*\*\*\*

This inmate has been advised of the Board's outcome. The inmate has the right to appeal the Board's outcome. The appeal must be made within five (5) business days from the date the hearing was conducted. The appeal should be made in writing to the Warden and contain specific reasons for the appeal. A copy of This report has been given to the inmate.

INMATE'S SIGNATURE \_\_\_\_\_ DATE: \_\_\_\_\_

WITNESS: \_\_\_\_\_ TIME: \_\_\_\_\_

**ASSIGNMENT TO THE RESTRICTED HOUSING UNIT PROVIDES FOR ONE (1) HOUR RECREATION FIVE (5) DAYS PER WEEK, OUTDOORS ONLY WEATHER PERMITTING. WHILE IN THE RESTRICTED HOUSING UNIT, NO PHONE CALLS WILL BE PERMITTED EXCEPT TO YOUR ATTORNEY.**

PIKE COUNTY CORRECTIONAL FACILITY  
DISCIPLINARY HEARING APPEALINMATE NAME: Jose A. Hernandez TiradoDATE 9/5/14UNIT: B CELL: 5 BED: C

I was found guilty of a misconduct on 9/5/14 (date) by the Pike County Correctional Facility Board, and I wish to appeal the decision on the following grounds:

ON APPEAL of the hearing held on 9/3/14 I based on the grounds that there was not a proper investigation conducted in this matter. First and foremost there is not any evidence documented on this issue which means that it is any no pen found in my property or cell. In addition exists a violation of a Due Process in Disciplinary Hearings violating the Fourteenth Amendment of the United States Constitution (Due Process) due to the hearing was held with no evidence and that Officer Willis which is one of my witnesses was telephone called on his day off for questioning about what happened, I indicate that the D-Board consists of three members; a-) Lt. b-) C.C. Wenzel c-) Officer Vetrano. The above mention members of the D-Board be present at all times even on the process of witnesses interrogations. Due to Officer Willis was telephone called by Lt. Campos and no other members was present at the time of the interrogation. I claim that the hearing was held improperly in violation of my rights to Due Process in Disciplinary Hearing. I'd thank you in advance for your time and attention to this essential matter.

Below is a brief statement of the facts relevant to my claim(s). It includes the identity of all persons who may have information which may be helpful in resolving this matter.

OFFICER SIGNATURE: \_\_\_\_\_

DATE/TIME: \_\_\_\_\_

**PIKE COUNTY CORRECTIONAL FACILITY**

**MEMORANDUM**

**TO:** Hernandez-Tirado, Jose; OCA # 13-07006  
**FROM:** Assistant Warden Robert E. McLaughlin *REM*  
**DATE:** September 10, 2014  
**SUBJECT:** Disciplinary Hearing Appeal

---

The Disciplinary Board dismissed one (1) of the charges that was levied against you. I find that the Disciplinary Board was presented with and entertained sufficient evidence regarding the charge you were found guilty of.

You have neither provided nor have I perceived any information which would lead me to overturn the Disciplinary Boards decision. As such, the sanction will remain as it was conveyed to you at the conclusion of your disciplinary board hearing.

Appeal Denied

Cc: Inmate File  
Hearing Clerk  
Classification Committee Chairperson

# EXHIBIT C

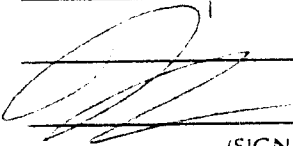
**MEDICAL REQUEST**NAME Jose A. Hernandez Tirado DATE 9/8/14DATE OF BIRTH 9-19-79UNIT/CELL D-8C

(To be completed by inmate)

REASON FOR REQUEST: kindly request to be seeing by  
medical personal A.S.A.P. due to injuries and pain  
caused by an officer of this facility. I have marks on my  
right ankle and it hurts when I lean on it and my right  
arm my muscle it hurts all the time. I request for the officer  
to notified to medical and he suggested to file a request.  
I wish to press charges of Assault to the officer due to the  
injuries that he causes.

(To be completed by medical staff)

RESPONSE: Out to court in AM. - 11/8/14  
Tylenol it 2x/day pr - 5d  
No injury seen to right ankle  
or right upper arm.  
RTC prn



(SIGNATURE)

9/9/14

(DATE)

WHITE - Med. File YELLOW - Inmate

**PIKE COUNTY CORRECTIONAL FACILITY**  
**INMATE REQUEST FORM**

NAME: Hernandez Tanelo Jose A.  
LAST FIRST M.I.

DATE: 9/3/14 BLOCK: C CELL: 2C

REQUEST: I am respectfully request to  
speak with a shift commander at  
your earliest convenience. It is a personal  
issue and very important.  
Please and Thank you !!!

RECEIVED BY: Wilson BADGE#: 91 DATE: 9/3/14

ROUTED TO: PROGRAMS SECURITY OTHER: \_\_\_\_\_

ANSWER: APPROVED DENIED (STATE REASON)

SPOKE WITH INMATE HERNANDEZ TODAY

REGARDING THE ISSUE WITH INMATE

CHRISTENSEN. INMATE DIRECTED TO CONTACT

BY: [Signature] DATE: 9/1/14  
TITLE - EMPLOYEE NAME

PINK-kept by inmate, YELLOW-returned to inmate, WHITE-file copy

PSP IF HE FOR  
NECESSARY

**PIKE COUNTY CORRECTIONAL FACILITY  
INMATE REQUEST FORM**

NAME: Hernandez Tierno Jose A.  
LAST - FIRST M.I.

DATE: 9/3/14 BLOCK: C CELL: 2 C

REQUEST: I want to file a complaint of  
harassment /ress charges of harassment  
against the officer Christensen. badge #3.  
I need immediate attention.

Thank you!!!

RECEIVED BY: JF. BADGE#: 34 DATE: 9-3-14

ROUTED TO: PROGRAMS SECURITY OTHER: \_\_\_\_\_

ANSWER: APPROVED DENIED (STATE REASON)

Spoke with inmate Hernandez re: complaint  
that if he wished to contact the  
PSP via the USPS he may.

BY: [Signature] DATE: 9/4/14  
TITLE - EMPLOYEE NAME

PINK-kept by inmate, YELLOW-returned to inmate, WHITE-file copy



# EXHIBIT D

PIKE COUNTY CORRECTIONAL FACILITY  
INMATE REQUEST FORM

NAME: Henriette Tinsley Tinsley A.  
LAST FIRST M.I.

DATE: 7/4/14 BLOCK: C CELL: 2 C

REQUEST: I need a grievance.

Regarding to Henriette's issue the sonnets to Lt  
Schwartz about (J.F.N.)

RECEIVED BY: J.T. BADGE#: 34 DATE: 9/15/14

ROUTED TO: PROGRAMS SECURITY OTHER: \_\_\_\_\_

ANSWER: APPROVED DENIED (STATE REASON)

YOU WERE GIVEN A GRIEVANCE

BY: [Signature] DATE: 9/15/14  
TITLE - EMPLOYEE NAME

PINK-kept by inmate, YELLOW-returned to inmate, WHITE-file copy

**PIKE COUNTY CORRECTIONAL FACILITY  
SHIFT COMMANDER  
INFORMAL INMATE GRIEVANCE RESOLUTION  
FORM**

DATE: 9/5/14

INMATE NAME (PRINT): Hernandez-Tirado, Jose

O.C.A. #: 13-07006

**SHIFT COMMANDER WILL DETAIL ACTION TAKEN TO REMEDY  
GRIEVANCE IN SPACE PROVIDED BELOW**

**ACTION**

**TAKEN:**

I spoke to about Office Christensen  
He is a trained professional and denies  
acting unprofessional towards you at  
anytime

**SHIFT COMMANDER SIGNATURE:** [Signature]

DATE: 9/5/14

**INMATE WILL CHECK OFF APPLICABLE RESPONSE BELOW:  
THE INFORMATION STATED ABOVE SUFFICIENTLY RESOLVES MY  
GRIEVANCE. I DO NOT WISH TO EMPLOY THE GRIEVANCE  
PROCEDURE TO PURSUE THIS ISSUE ANY FURTHER.**

**I AM NOT SATISFIED WITH THE SHIFT COMMANDERS RESPONSE AND  
WOULD LIKE TO PURSUE THIS ISSUE THROUGH THE FACILITY  
GRIEVANCE PROCEDURE.**

**INMATE SIGNATURE** [Signature]

DATE 9/5/13

**PLEASE PROVIDE INMATE WITH A COPY OF THIS FORM AND ATTACH ORIGINAL TO GRIEVANCE FORM,  
THEN RETURN TO CLASSIFICATION COORDINATOR.**

# P.C.C.F. INMATE GRIEVANCE FORM

DATE: 1 / 3 / 11

INMATE NAME: JOSE A. HERNANDEZ HERRERA UNIT: 10 CELL: 3 BED: C

OCA #: 13 - 01506

A. PRINT CLEARLY Statement, detailing the act or condition which caused this grievance: (Be specific; list all dates, times, location, and witnesses)

I am speaking before Charles and Judge it is of the 2<sup>nd</sup> left due to my inability and behavior) to cards me. First we have that Charles is a very capable man in the way that he is handling me and acting in retaliation towards my actions. There is no serious incident occurring at the time we are all there. I am brought by the administration where Charles is constantly sending me conduct reports and to back of false statements with the purpose of getting me off the job. I have to state that "I do not like him". To which he "The defense is very much of well while I am working, reaching my line looks to challenge me and something of reason to a lot right stated, but "He will beat me up" and that "He have a strong desire to win later on. Although I believe that Charles can beat some inmates different both others. I believe this is a fact of a direct testing effect and what a "score and whereas" to how he beats the game and then the differently than others (which case) Charles is not made conduct of it in any of the while up, standing in the open free motion cups and seeing the inmates just to let them to not that in a the last (cancers could be) if you had not that claim reports in retaliation. Charles has heard me. The can also have changing cell numbers and including misconduct reports. I have my continuation --> 12/11/11 II

B. Specific remedy being sought:

Received by Officer: 76 LAKETT Badge #: 28 Date: 9 / 7 / 91

I have unsuccessfully attempted to informally resolve this issue. I am now forwarding the issue to the Shift Commander

Shift Commander: [Signature] Badge #:          Date:      /      /     

**First Level Response:** There are 400,000 people in the world who are blind.

GRIEVANCE  
UNITED

**Answered by:** \_\_\_\_\_ **Date:** \_\_\_\_ / \_\_\_\_ / \_\_\_\_

**FOR OFFICE USE ONLY**

Grievance # \_\_\_\_\_

**Level II Date Posted** \_\_\_\_/\_\_\_\_/\_\_\_\_

Level III Date Posted     /     /

Level III Date Posted \_\_\_\_/\_\_\_\_/\_\_\_\_

## P.C.C.F. LEVEL II AND III APPEALS FORM

INMATE NAME: Jesé A. Hernández Truado OCA #: 13-07006

C. Level II Appeal to the Grievance Committee: ~~I am~~ so I am appealing the fact that the Committee with a simple response like saying that Clo Christensen is a biased ~~and~~ tenured professional the facility has ignored the fact that I have been harassed by the Clo. Furthermore, I am fully aware that it is expected of me to follow the rules and regulations stipulated by the P.C.C.F. and that I must comply with any and all directives conveyed to me by Staff. It is also stipulated in the inmate handbook that I have the right to be protected of harassment as well as freedom from discrimination of race. At this point I indicate and claim that Christensen has violated those said rights.

Received by Officer: DeLANCEY Badge #: 61 Date: 9 / 13 / 2014

Grievance Committee Response: You were spoken to by Lieutenant Schreyer who informed you about a thorough investigation and concluded there was no evidence of harassment. You must continue to follow directives from staff and any other rules and regulations. If you feel you are being harassed verbally by staff.

Answered by: Evan J. [Signature] GRIEVANCE Date: 9 / 17 / 14

DENIED

Level III Appeal to the Warden:

D. Statement of rationale for appellate review: \_\_\_\_\_

Received by Officer: \_\_\_\_\_ Badge #: \_\_\_\_\_ Date: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

Final Resolution: (Warden) \_\_\_\_\_

Answered by: \_\_\_\_\_ Date: \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

## FOR OFFICE USE ONLY

Grievance # 11-116-04

Level II Date Posted \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

Level III Date Posted \_\_\_\_\_ / \_\_\_\_\_ / \_\_\_\_\_

**PIKE COUNTY CORRECTIONAL FACILITY**  
**INMATE REQUEST FORM**

NAME: Hernandez Tipado Jose A.  
LAST FIRST M.I.

DATE: 9/10/14 BLOCK: D CELL: 3C

REQUEST: I need a grievance

RECEIVED BY: Thorne BADGE#: 96 DATE: 9/10/14

ROUTED TO: PROGRAMS SECURITY OTHER: Shirley

ANSWER: APPROVED DENIED (STATE REASON)

APPROVAL GRIEVANCE RESOLUTION

COMPLETED GRIEVANCE SUFF.

BY: [Signature] DATE: 9/10/14  
TITLE EMPLOYEE NAME

PINK-kept by inmate, YELLOW-returned to inmate, WHITE-file copy

SHIFT COMMANDER  
INFORMAL INMATE GRIEVANCE RESOLUTION  
FORM

DATE: 9/16/14

INMATE NAME (PRINT): HERNANDEZ, TIRADO, JOSE

O.C.A. #: 13-07006

SHIFT COMMANDER WILL DETAIL ACTION TAKEN TO REMEDY  
GRIEVANCE IN SPACE PROVIDED BELOW

ACTION  
TAKEN:

SPOKE WITH INMATE HERNANDEZ WHO  
INDICATED THAT HE FEELS HARASSED BY  
OFFICER CHRISTENSEN. ALLEGATIONS INVESTIGATED.  
NO INSTANCES OF HARASSMENT IDENTIFIED  
THROUGH INVESTIGATION.

SHIFT COMMANDER SIGNATURE: [Signature]

DATE: 9/16/14

INMATE WILL CHECK OFF APPLICABLE RESPONSE BELOW:  
THE INFORMATION STATED ABOVE SUFFICIENTLY RESOLVES MY  
GRIEVANCE. I DO NOT WISH TO EMPLOY THE GRIEVANCE  
PROCEDURE TO PURSUE THIS ISSUE ANY FURTHER.

I AM NOT SATISFIED WITH THE SHIFT COMMANDERS RESPONSE AND  
WOULD LIKE TO PURSUE THIS ISSUE THROUGH THE FACILITY  
GRIEVANCE PROCEDURE.

INMATE SIGNATURE [Signature]

DATE 9/16/14

PLEASE PROVIDE INMATE WITH A COPY OF THIS FORM AND ATTACH ORIGINAL TO GRIEVANCE FORM,  
THEN RETURN TO CLASSIFICATION COORDINATOR.



Rock 5

DATE: 1 / 14 / 14

INMATE NAME: JOE A. HENDERSON JR UNIT: 8 CELL: 8 BED: C

OCA #: 13-01000

A. **PRINT CLEARLY** Statement, detailing the act or condition which caused this grievance: (Be specific; list all dates, times, location, and witnesses)

On this 15<sup>th</sup> day of September 2001, Mr. Christensen acted in a brutal way towards me, using UNLAWFUL AND EXCESSIVE FORCE when he tightened up the shackles on my wrists in the way that I ask him to please know that I cannot bring more to the fight and they are doing more to me, he had a joking smile on his face, had his eye and stated "oh, it hurts" and I laughing about it and then he did that a little. Then after, he put my right arm and squeezed it in the way that I have to force my way to get out of his grip. At this point I looked at him and he was again with a joking smile and he told me I pulled me and stated that "He will show my face on the wall" attempting to intimidate me. Following to this act, I refuse to let such assistance due to injuries and pain caused by Mr. Christensen. The Mr. refused my request and suggested me to file a medical for medical. I submit that in the inmate handbook page 10 Section 100(2)-(b)(1)(2)(3) states that every inmate housed in F.C.C.F. have the right to protection from personal abuse, any act of punishment, punishment or excessive use of force and harassment as well as the right of freedom from discrimination based on race and the right to pursue a grievance without fear of retaliation. At this point I submit that Officer Christensen has violated my rights.

Continuance To # II --- 7 ---

B. Specific remedy being sought:

Received by Officer: [Signature] Badge #:        Date:        /        / 2012

I have unsuccessfully attempted to informally resolve this issue. I am now forwarding the issue to the Shift Commander

Shift Commander: \_\_\_\_\_ Badge #: \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

**First Level Response:** 1. The author uses a variety of rhetorical devices to persuade the reader that the American dream is still achievable. For example, he uses a rhetorical question to challenge the reader's assumptions about the American dream. He also uses a metaphor to describe the American dream as a "great big, beautiful, shining city on a hill."

visited the United Nations and the World Bank. I was very well  
 received by the staff and the members of the board. I was also  
 very well received by the staff and the members of the board. I was  
 also very well received by the staff and the members of the board. I  
 was also very well received by the staff and the members of the board.

Answered by: Wm. J. Lee Date: 1/15/14

Answered by: 12/1/2006 Date: 1/1/11

**FOR OFFICE USE ONLY**

Grievance #           

**Level II Date Posted**\_\_\_\_/\_\_\_\_/\_\_\_\_

**Level III Date Posted**\_\_\_\_/\_\_\_\_/\_\_\_\_

## P.C.C.F. INMATE GRIEVANCE FORM

DATE: 9 / 14 / 14

INMATE NAME: Diego A. Hernandez Trujillo UNIT: D CELL: 8 BED: COCA #: 13 - 01006

A. PRINT CLEARLY Statement, detailing the act or condition which caused this grievance: (Be specific; list all dates, times, location, and witnesses)

I am also fearful of further encroachment by Christensen. I am being verbally bullied by this officer and now he is acting in retaliation because of the grievances that I submitted against him. I inform that in the past I gave notice of this matter to Supervisors as they are: Sgt. Franks, Sgt. Franks and 1st Sgt. Schwager as well as I have verbally written a complaint of harassment to Flamingo from State Justice Commission and other entities as well.

In fact but not least, I would like to inform that I fear for my safety and welfare due to the harmful way that Mr. Christensen treats me, the continuous harassments and the retaliation made that he exhibits towards me.

In closing, I'll thank you in advance for your attention to this matter.

B. Specific remedy being sought: I would like the Co. Officer to be punished for his actions and any and other action that is needed for me and my people.

Received by Officer: [Signature] Badge #: 24 Date: 9 / 14 / 2014

I have unsuccessfully attempted to informally resolve this issue. I am now forwarding the issue to the Shift Commander

Shift Commander: [Signature] Badge #: 24 Date: 9 / 14 / 2014First Level Response: [Signature]GRIEVANCE  
DENIEDAnswered by: [Signature] Date: 9 / 14 / 2014

## FOR OFFICE USE ONLY

Grievance # 13-01006Level II Date Posted     /     /    Level III Date Posted     /     /

## P.C.C.F. LEVEL II AND III APPEALS FORM

INMATE NAME: José A. Hernández TiradoOCA #: 13-07006

C. Level II Appeal to the Grievance Committee: I am appealing the decision of the Committee based on my claims were not properly answered. In fact I suggested to watch the video of the day 8/31/13 on 8/2 about 4:25 PM. where JCo Christensen did intentionally and knowingly use UNNECESSARY EXCESSIVE placing shackles on my legs. (to this date I also was threatened by this officer stating "I would strangle you the wall". I have 4 witnesses in this matter that was present at all times. Above said was my ce when allegations took place. Inmate Robert Colao.

Received by Officer: \_\_\_\_\_

Badge #: \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

Grievance Committee Response: \_\_\_\_\_

Answered by: \_\_\_\_\_

Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

Level III Appeal to the Warden:

D. Statement of rationale for appellate review: \_\_\_\_\_

Received by Officer: \_\_\_\_\_

Badge #: \_\_\_\_\_ Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

Final Resolution: (Warden) \_\_\_\_\_

Answered by: \_\_\_\_\_

Date: \_\_\_\_/\_\_\_\_/\_\_\_\_

FOR OFFICE USE ONLY

Grievance # \_\_\_\_\_

Level II Date Posted \_\_\_\_/\_\_\_\_/\_\_\_\_

**PIKE COUNTY CORRECTIONAL FACILITY  
SHIFT COMMANDER  
INFORMAL INMATE GRIEVANCE RESOLUTION  
FORM**

DATE: 8/14/14

INMATE NAME (PRINT): Hernandez-Tirado, Jose

O.C.A. #: 13-07006

**SHIFT COMMANDER WILL DETAIL ACTION TAKEN TO REMEDY  
GRIEVANCE IN SPACE PROVIDED BELOW**

**ACTION**

TAKEN: Office Barry is a trained Professional  
who is dedicated and committed to excellence  
while performing his duties. He does  
deny being unprofessional with you.

SHIFT COMMANDER SIGNATURE: [Signature]

DATE: 8/14/14

**INMATE WILL CHECK OFF APPLICABLE RESPONSE BELOW:  
THE INFORMATION STATED ABOVE SUFFICIENTLY RESOLVES MY  
GRIEVANCE. I DO NOT WISH TO EMPLOY THE GRIEVANCE  
PROCEDURE TO PURSUE THIS ISSUE ANY FURTHER.**

**I AM NOT SATISFIED WITH THE SHIFT COMMANDERS RESPONSE AND  
WOULD LIKE TO PURSUE THIS ISSUE THROUGH THE FACILITY  
GRIEVANCE PROCEDURE.**

INMATE SIGNATURE [Signature]

DATE 8/14/14

**PLEASE PROVIDE INMATE WITH A COPY OF THIS FORM AND ATTACH ORIGINAL TO GRIEVANCE FORM.  
THEN RETURN TO CLASSIFICATION COORDINATOR**

Level III Date Posted\_\_\_\_/\_\_\_\_/\_\_\_\_

## P.C.C.F. LEVEL II AND III APPEALS FORM

INMATE NAME: José A. Hernández Tirado OCA #: 13-01006

C. Level II Appeal to the Grievance Committee: On appeal of this matter, I indicate that the Committee failed to conduct a proper investigation due to the issue of statements made by officer Barry were on the Unit in front of many inmates and none of these witnesses were interrogate by the Committee. I believe that the Committee only interrogate the officer and he obviously ~~denied~~ denied the events. The unit is on tension since I request for the Committee to do a more deep investigation.

Received by Officer: [Signature] Badge #: 61 Date: 8/26/14Grievance Committee Response: Barry for lay in JOK with several inmates. There was nothing to be done except a report.GRIEVANCE  
DENIEDAnswered by: [Signature] Date: 8/18/14

Level III Appeal to the Warden:

D. Statement of rationale for appellate review: I indicate that Officer Barry made the comments that have the unit on tension and were unprofessional. I ask everybody on the unit if Sgt. Trantley speak with someone about what happened and it is a negative answer. However unfortunately we living in a place where the professionalism is not a priority and it not being practice by the staff. I pray for this time the right and proper investigation get along. Thank you

Received by Officer: [Signature] Badge #: 81 Date: 9/1/14Final Resolution: (Warden) I concur with the previous response from the grievance Committee.GRIEVANCE  
DENIEDGRIEVANCE  
DENIEDAnswered by: [Signature] Date: 9-8-14

## FOR OFFICE USE ONLY

Grievance # 13-01006Level II Date Posted     /    /    Level III Date Posted     /    /

José A. Hernández-Tirado  
Pike County Correctional Facility  
175 Pike County Boulevard  
Lords Valley, PA 18428

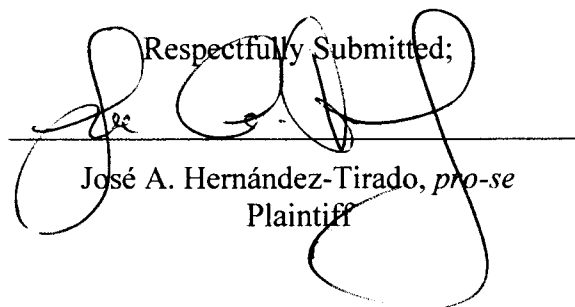
September 25<sup>th</sup>, 2014.

Clerk of Courts  
United States District Court  
Middle District of Pennsylvania  
235 North Washington Avenue  
P.O. Box 1148  
Scranton PA, 18501

**Re: PRISONER CIVIL RIGHTS COMPLAINT.**

Enclosed, please find an original of the following. Please file and serve the opposing parties with a copy of enclosed petition, stamp and return a copy on my behalf to the herewith abovementioned address.

- a-) Prisoner Civil Rights Complaint
- b-) Application of Counsel
- c-) Application for In Forma Pauperis Status
- d-) Summons

Respectfully Submitted;  
  
\_\_\_\_\_  
José A. Hernández-Tirado, *pro-se*  
Plaintiff

Pc. Clerk of Court  
Cc. JHT *files*

ERNANDEZ MIRADO  
CORRECTIONAL FACILITY  
511 BOULEVARD  
PA, 18428

Correctional Facility

Divd.

PA 18428

ENCLOSED

SEP 30 2014

*[Handwritten signature]*



Clerk of Courts  
U.S. District Court  
Middle District of Pennsylvania  
235 North Washington Avenue P.O. Box 1148  
Scranton PA, 18501